

State of Arizona  
Senate  
Forty-fifth Legislature  
First Regular Session  
2001

CHAPTER 60

**SENATE BILL 1148**

AN ACT

AMENDING SECTIONS 36-3408 AND 36-3413, ARIZONA REVISED STATUTES; RELATING TO  
BEHAVIORAL HEALTH.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-3408, Arizona Revised Statutes, is amended to  
3 read:

4 36-3408. Eligibility for behavioral health service system;  
5 screening process; required information

6 A. Any person who requests behavioral health services pursuant to this  
7 chapter or the person's parent or legal guardian shall comply with a  
8 preliminary financial screening and eligibility process developed by the  
9 department of health services in coordination with the Arizona health care  
10 cost containment system administration and administered at the initial intake  
11 level. A PERSON WHO RECEIVES BEHAVIORAL HEALTH SERVICES PURSUANT TO THIS  
12 CHAPTER AND WHO HAS NOT BEEN DETERMINED ELIGIBLE FOR TITLE XIX OR TITLE XXI  
13 SERVICES SHALL COMPLY ANNUALLY WITH THE ELIGIBILITY DETERMINATION PROCESS.  
14 If the results indicate that the person may be title XIX eligible, in order  
15 to continue to receive services pursuant to this chapter, the applicant shall  
16 submit a completed application within ten working days to the social security  
17 administration, the department of economic security or the Arizona health  
18 care cost containment system ADMINISTRATION which shall determine the  
19 applicant's eligibility pursuant to section 36-2901, paragraph 4, subdivision  
20 (b) or, section 36-2931, paragraph 5 OR SECTION 36-2981, PARAGRAPH 6 for  
21 health and medical or long-term care services. THE APPLICANT SHALL COOPERATE  
22 FULLY WITH THE ELIGIBILITY DETERMINATION PROCESS. If the person is in need  
23 of emergency services provided pursuant to this chapter, the person may begin  
24 to receive these services immediately provided that within five days from the  
25 date of service a financial screening is initiated.

26 B. Applicants, except applicants for seriously mentally ill services,  
27 who refuse to cooperate in the financial screening and eligibility process  
28 are not eligible for services pursuant to this chapter. A form explaining  
29 loss of benefits due to refusal to cooperate shall be signed by the  
30 applicant. Refusal to cooperate shall not be construed to mean the  
31 applicant's inability to obtain documentation required for eligibility  
32 determination. THE DEPARTMENT OF ECONOMIC SECURITY AND THE ARIZONA HEALTH  
33 CARE COST CONTAINMENT SYSTEM ADMINISTRATION SHALL PROMPTLY INFORM THE  
34 DEPARTMENT OF HEALTH SERVICES OF THE APPLICATIONS THAT ARE DENIED BASED ON  
35 AN APPLICANT'S FAILURE TO COOPERATE WITH THE ELIGIBILITY DETERMINATION  
36 PROCESS AND, ON REQUEST, OF APPLICANTS WHO DO NOT SUBMIT AN APPLICATION AS  
37 REQUIRED BY THIS SECTION.

38 C. The department of economic security shall, in coordination with the  
39 department of health services, SHALL provide on-site eligibility  
40 determinations at appropriate program locations subject to legislative  
41 appropriation.

42 D. This section only applies to persons who receive services that are  
43 provided pursuant to this section and that are paid for in whole or in part  
44 with state funds.

1 E. A person who requests treatment services under this chapter shall  
2 provide personally identifying information required by the department of  
3 health services.

4 F. EXCEPT AS OTHERWISE PROVIDED BY LAW, THIS SECTION AND COOPERATION  
5 WITH THE ELIGIBILITY DETERMINATION PROCESS DO NOT ENTITLE ANY PERSON TO ANY  
6 PARTICULAR SERVICES THAT ARE SUBJECT TO LEGISLATIVE APPROPRIATION.

7 Sec. 2. Section 36-3413, Arizona Revised Statutes, is amended to read:

8 36-3413. Grievance and appeal process

9 A. The department shall require all regional behavioral health  
10 authorities to establish and implement a grievance and appeal process for use  
11 by service providers and by individuals receiving and requesting services.  
12 The department shall stipulate any required elements of the process in the  
13 request for proposal issued to solicit bids from entities that wish to become  
14 a regional behavioral health authority.

15 B. The process shall be as prescribed in title 41, chapter 6, article  
16 10 for grievances and appeals filed by regional behavioral health  
17 authorities, and by service providers and individuals receiving and  
18 requesting services that have already exhausted the regional behavioral  
19 health authority grievance and appeal process. In the case of individuals  
20 receiving behavioral health services by a service provider that has  
21 contracted directly with the department instead of through a regional  
22 behavioral health authority, the department's grievance and appeal process  
23 shall be IS considered the primary process.

24 C. For individuals who are eligible for services pursuant to chapter  
25 29 of this title or service providers registered with the Arizona health care  
26 cost containment system administration, the department OR THE REGIONAL  
27 BEHAVIORAL HEALTH AUTHORITY shall provide notice that the individuals or  
28 providers may appeal a decision rendered by the department to the Arizona  
29 health care cost containment system administration if the disputed decision  
30 involves services or payments authorized under chapter 29 of this title.

31 D. INDIVIDUALS WHO ARE ELIGIBLE FOR BEHAVIORAL HEALTH SERVICES  
32 PURSUANT TO CHAPTER 29 OF THIS TITLE AND WHO ARE APPEALING THE DENIAL,  
33 REDUCTION, TERMINATION OR SUSPENSION OF A TITLE XIX BEHAVIORAL HEALTH SERVICE  
34 MAY APPEAL DIRECTLY TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM FOR  
35 AN EXPEDITED HEARING PURSUANT TO RULES ADOPTED BY THE DIRECTOR OF ARIZONA  
36 HEALTH CARE COST CONTAINMENT SYSTEM.

APPROVED BY THE GOVERNOR APRIL 6, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 6, 2001.

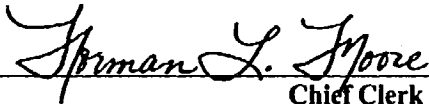
Passed the House March 26, 20 01,

by the following vote: 56 Ayes,

0 Nays, 4 Not Voting



Speaker of the House



Chief Clerk of the House

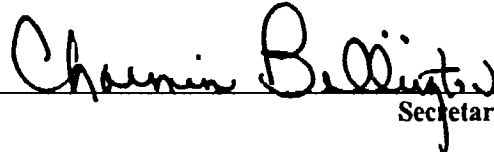
Passed the Senate February 12, 20 01,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20           ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20           ,

at            o'clock            M.

            
Governor of Arizona

S.B. 1148

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20           ,

at            o'clock            M.

            
Secretary of State

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 3, 2001,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Markus Amst  
President of the Senate  
Charmine Bellenger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3 day of April, 2001,

at 12:35 o'clock P M.

Sandra Ramirez  
Secretary to the Governor

APPROVED THIS 6<sup>th</sup> day of

April, 2001,

at 11:02 o'clock A M.

Jane Dineen  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 6 day of April, 2001,

at 4:00 o'clock P M.

Debra Kayles  
Secretary of State

S.B. 1148